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SUPREME COURT OF THE UNITED STATES.

No. 118.

THE UNITED STATES, APPELLANTS,

vs.

JOAQUIN SOTO.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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GIDEON, print.

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Transcript of the proceedings in case No. 650—*Joaquin Soto, claimant*, vs. *The United States, defendant—for the place named "Cañada de la Carpenteria."*

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this twenty-eighth day of February, anno Domini one thousand eight hundred and fifty-three, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Joaquin Soto, for the place named "Cañada de la Carpenteria," was presented, and ordered to be filed and docketed with No. 650, and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which petition, the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *March 26th*, 1853.

In case No. 650, Joaquin Soto, for the place named "Cañada de la Carpenteria," the deposition of Antonio Maria Pico, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed.

(Vide page 5 of this Transcript.)

SAN FRANCISCO, *August 15th*, 1853.

In the same case, the deposition of Antonio Ma. Pico, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, with document marked No. 1, A. F., annexed thereto, was filed.

(Vide page 7 of this Transcript.)

SAN FRANCISCO, *May 9th*, 1854.

Case No. 650 was called; on motion of the counsel for the claimant, was ordered to be placed at the foot of the calendar, the 1st class cases on the trial docket.

SAN FRANCISCO, *June 27th*, 1854.

In the same case, the deposition of Antonio Maria Pico, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed.

(Vide page 5 of this Transcript.)

SAN FRANCISCO, *August* 4, 1854.

Case No. 650 was submitted without argument.

SAN FRANCISCO, *August* 15, 1854.

In the same case, Commissioner Alpheus Felch delivered the opinion of the board, confirming the claim.

(Vide page 43 of this Transcript.)

SAN FRANCISCO, *August* 29, 1854.

In the same case, on motion of the U. S. law agent, the following order was made, to wit:

(Vide page 44 of this Transcript.)

Petition.

To the Hon. Board of U. S. Land Commissioners, appointed to settle private land claims in California:

The petition of Joaquin Soto respectfully represents, that on or about the 25th day of September, A. D. 1835, José Castro, governor ad interim of California, in the name of the Mexican nation, by virtue of authority in him vested, the various laws of Mexico then in force, the laws, usages and customs of the country, affording grants of land in California, granted in full property to your petitioner the lands and rancho known by the name of Cañada de la Carpenteria, containing about one league of land, and more particularly mentioned and described in the papers and maps relating to said grant of land, said papers hereafter to be produced and proved before your honorable board.

And your petitioner further shows, that he is informed and believes said grant was duly approved by the departmental assembly of California, the evidence of which your petitioner expects to show from the archives, now in custody of the U. S. Surveyor General for California, and as soon as the same can be procured and translated, your petitioner prays leave to file in part of this petition.

And your petitioner further shows, that he was placed in juridical possession of said lands and rancho by the proper officer having jurisdiction of such subject-matters.

And your petitioner further shows, that ever since the date of said grant, up to the present time, he has been in the peaceable and quiet possession of said land and rancho, cultivating some portions of the same and occupying it with his stock.

And your petitioner further shows, that copies of the original papers and maps in his possession, with a translation of the same, will be filed as part of this petition, so soon as the same can be prepared, and the original papers produced and proved before your honorable board.

There is no conflicting claim known to your petitioner, and said lands have not been surveyed by the U. S. Surveyor General for California; the evidence upon which your petitioner relies in support of this claim consists of the records of the same in the archives, now in custody of the U. S. Surveyor General of California, original papers and maps in the possession of your petitioner to be produced and proved

before your honorable board, and the testimony of witnesses to be produced before your honorable board, &c.

All of which your petitioner respectfully submits, for such action as the justice and nature of the claim may require.

E. O. CROSBY, *of Counsel.*

Filed in office, February 28, 1853.

GEO. FISHER, *Sec'y.*

Deposition of A. M. Pico.

SAN FRANCISCO, *March* 26, 1853.

On this day, before Com'r Hiland Hall, came Antonio Ma. Pico, a witness in behalf of the claimant, Joaquin Soto, and was duly sworn, his evidence being interpreted by the secretary.

The United States law agent was present.

In answer to inquiries by counsel for the claimant, the witness testified as follows:

My name is Antonio Ma. Pico; my age is forty-four years; and I reside at San José.

I know a tract of land called Cañada de la Carpenteria; it is situated about three leagues in a northwestern direction from the mission of San Juan Bautista. It is on the Monterey side of the Pagara river.

Joaquin Soto had judicial possession given him of the land soon after it was granted; I have seen the papers relating to such possession; he immediately occupied it with cattle and horses, and by cultivating the land; he had a house on the land, in which he lived, and he and his family have continued living on the land, and thus occupying it to the present time. He died some three or four years ago, and his family have resided on the land since his decease.

ANTONIO MA. PICO.

Sworn and subscribed before me,

HILAND HALL, *Com'r.*

Filed in office, March 26th, 1853.

GEO. FISHER, *Sec'y.*

Deposition of A. M. Pico.

UNITED STATES OF AMERICA, STATE OF CALIFORNIA,
SAN FRANCISCO, *June* 27, 1854.

This day personally came before me, Peter Lott, a commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said estate, Antonio Maria Pico, a witness on behalf of the claimant, Joaquin Soto, in case No. 650 on the docket of said Board; and said witness being duly sworn, on oath deposed in Spanish, which was interpreted into English by the interpreter of said Board as follows, to wit:

The U. S. associate agent is present.

Questions by Claimants bounded.

1st question. What is your name, age, and residence?

Answer. My name is Antonio Maria Pico; my age 45 years; my residence Santa Clara county, California.

2d question. Do you know the wife and children of the late Joaquin Soto? If yea, state their names and where they now reside.

Answer. I know them; the widow's name is Juana Burtron de Soto; I know the family very well; I know the children, Joaquin Soto, Milesio Soto, Antonio Soto, Barba Soto, Dono Soto, Adelaida Soto, Maria Soto, Maria Ygnacio Soto, Salvadora Soto, Pilar Soto, and an infant not yet named. The children all live with their mother on the rancho of Cañada de la Carpenteria, in Monterey county, where they have always lived.

Cross-examined by the U. S. Associate Law Agent.

1st question. When did you first know the family of which you have spoken?

Answer. I have known Joaquin Soto about 30 years, and have been acquainted with the family all the time.

2d question. What has been the character of your intercourse with them since you first knew them?

Answer. I was always upon intimate terms with them; have frequently visited the house, and stayed all night, as I would be passing. The deceased, Joaquin Soto, was an uncle of mine; he died a short time before the Americans took possession of the country, though I am not certain as to the time.

ANTONIO M. PICO.

Subscribed and sworn to before me, on this 27th day of June, A. D. 1854.

PETER LOTT,
Commissioner for taking testimony, &c.

Filed in office, June 27, 1854.

GEO. FISHER, *Sec'y.*

Deposition of A. M. Pico.

OFFICE OF THE COMMISSIONERS OF CALIFORNIA LAND CLAIMS,
SAN FRANCISCO, *Aug't* 13, 1853.

This day, before Com. Alpheus Felch, one of the commissioners to ascertain and settle private land claims in California, came Antonio Maria Pico, a witness in behalf of claimant, Joaquin Soto, case No. 650, and after being duly sworn, deposed as follows:

Questions by Mr. Crosby, Attorney for Claimant.

1st question. What *are* your name, age, and place of residence?

Answer. My name is Antonio Maria Pico; my age forty-three; and I reside at San José, Santa Clara county, in the State of California.

2d question. Look on the paper here presented, marked Exhibit No. 1, with the initials "A. F.," purporting to be a title from José Castro to Joaquin Soto to a tract of land called Cañada de la Carpenteria," with the map and act of judicial possession of the said land, which documents are hereto attached, and say which, if any, of the signatures thereunto attached you recognise as genuine.

Answer. I have examined the paper, and recognise the signatures thereto of José Castro, Francisco de Castillo Negrete, Juan Miguel Anzar, José Maria Castenares, José Rafael Gonzalez, Innocente Garcia, and Juan Madorega. I know all said individuals, and am acquainted with their handwriting. The signatures appearing in said documents are their true and genuine signatures.

3d question. Do you know the land described in these papers; if yea, where is it situated, and how occupied and improved?

Answer. I know the land perfectly well; it lies about a league northwest of San Juan Bautista; it has been occupied by the claimant, Joaquin Soto, ever since he obtained the grant of it. He has lived on the land, cultivated it, and kept cattle on it ever since that time. He built a house on the land of adobes as soon as the grant was made, with corrals and gardens. He put on cattle and kept the rancho always in good condition.

ANTONIO MA. PICO.

Mr. Greenhow, assistant law agent, was present at the taking of this deposition, but declined to interrogate the witness. The testimony was given in the Spanish language; Mr. Greenhow, by consent of parties, acting as interpreter.

Subscribed and sworn to before me, at San Francisco, this thirteenth day of August, A. D. 1853.

ALPHEUS FELCH.

Questions by Mr. Greenhow, Associate Law Agent.

1st question. Is the land within ten leagues of the sea?

Answer. I think it is about eight leagues from the sea.

Filed in office, Aug't 13, 1853.

GEO. FISHER, *Sec'y*.

Espediente del Ciudadano Joaquin Soto—"Cañada de la Carpenteria."

Sello Primero, Seis Pesos.

Habilitado provisionalmente por la administracion de la aduana maratima de Monterey, de la Alta California, por los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

FIGUEROA. A. RAMIREZ.

José Castro, Primer vocal de la E. Deputacion Territorial, y Gefe S. Politico interino de la Alta California:

[ ] Por cuanto Joaquin Soto, Mejicano, por nacimiento ha pretendido pa. su beneficio personal y el de su familia el terreno conocido,

con el nombre de Cañada de la Carpenteria, cuyos linderos con los del C'no David Littlejohn, y las demas ql. espresa el diseño; practicadas previamente las diligencias y averiguaciones concernientes, segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas y en conformidad con lo dispuesto por la E. Diputacion territorial, en decreto de veinte y siete de Agosto de este año, aprovando la concesion del terreno Cañada de la Carpenteria, al C'do Joaquin Soto he venido en conferirle á nombre de la nacion Mejicano, el terreno mencionada declarandole a la propiedad de el pa. las presentas letras, sujeto a las condiciones siguientes:

1a. Que se sometará á las que estableciere el reglamento ql. se ha de formar para la distribucion de terrenos baldios, y que entretanto ni el agraciado ni sus erederos dividir ni enagenar el que se les adjudica, imponer censo, vinculo, fianza, hipoteca, ni otro gravamen aunque sea pa. causa piadosa ni pasarlo á manos muertas.

2a. Podra cercarlo sin perjudicar las travesias caminos y servidumbres; lo disfrutara libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode; pero dentro de un año á lomas fabricará casa y estara habitada.

3a. Solicitará del juez respectivo que le de posecion juridica, en virtud de este despacho por el cual se demarcaran los linderos cuyos limites pondra á mas de las mojoneras algunos arboles, frutales, ó silvestres de alguno utilidad.

4a. El terreno de que se hace mencion es de una legua de sudeste á noroeste, y seis cientos varas de nordeste á sudeste, ql. todo equivale á poco mas ó menos de medir sitio de ganado mayor segun (d'nos 2a. po.) esplica el diseño ql. corre en el espediente. El juez que diere la posecion lo hará medir conforme á ordenanza pa. señalar los linderos quedando el sobrante ql. resulte á favor de la nacion pa. los usos convenientes.

5a. Si contraviniere á estas condiciones perdera su derecho al terreno y será denunciable por otro.

En consecuencia mando, ql. sirviendole de titulo el presente y teniendose por firme y valedero se tome razon de el en el libro que corresponde y se entregue al interesado pa. su resguardo y demas fines.

Dado en Monterey, á vente y cinco de S'bre, de mil ochocientos veinte y cuatro.

JOSE CASTRO,
FRAN'CO DEL CASTILLO NEGRETE,
S'crio.

Queda tomada razon de este despacho á fojas setenta y tres señalado con el no. setenta y uno del libro respectivo que obra en la secretaria demi cargo.

D'ros 10 po. CASTILLO.

Monterey, Sitiembre 25, de 1835.

[*For map see original, page* 12.]

Sello Tercero, Dos Reales.

Habilitado provisionalmente por la administracion de la aduana maratima de Monterey, de la Alta California, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

ANGEL RAMIREZ.

CASTRO.

S'or Alcalde Constitucional:

Joaquin Soto, ciud'o Mejicano, dice, que habiendo obtenido la concesion propia del terreno conocido con el nombre de la Cañada de la Carpenteria, ocurra á V. para q. se sirba darle la posecion juridica con forme esta prevenido en el art'lo 3o, del titulo de d'ho terreno q. se me espedido con f'ha 25 de St're pp'o, q'l devidam'te acompaño igualm'te la conformacion respectiba y desolucion de estos document'o, p'a los usos q. me convengan. Por tanto, a V. suplico se sirba ponerme en la posecion que solicita en lo que recibira merced y justicia.

Monterey, Oct'bre 20, de 1835.

A ruego del interesado por no saber firmar.

JUAN MIG'L ANZAR.

MONTEREY, *Oct'bre* 20, *de* 1835.

Por presentado y admitido procedan á dar la posecion que se solicita, á cuyo efecto se señala el dia veinte y nueve *instance;* á los colindantes p'a d'ho dia, y nombrese prebiamente medidores y contradores á quienes se les hara saber p'a su aceptacion y juramento. Asi yo el ciudadano José Rafael Gonzales, lo decreté, firmé y mandé, con los de mi ass'a del mañana tachado no vale, veinte y nueve vale.

JOSE RAFAEL GONZALES.

JOSE MARIA CASTANARES, }
JUAN MIG'L ANZAR, } Ass'a.

Derechos $28.

En la f'ha presente el C. Joaquin Soto, le notifico el auto que antecede dijo lo aye y que se da por citado, no firmando por que no saver lo hice yo con los de assis'a, segun d'ro.

GONZALES.

[M] JUAN MIG'L ANZAR, de ass'a.
INOCENTE GARCIA, de ass'a.

Sello Tercero, Dos Reales.

Habilitada provisionalmente por la administracion de la *administracion de la* aduana maratima de Monterey, de la Alta California, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

ANGEL RAMIREZ.

CASTRO.

En la misma f'ha, selibraron las voletas de comparendo en cumpli-
[R] m'to se lo mandado en el antecedente auto para la citacion de las colindantes y para constancia, lo anoto y rubrico.

En el rancho nombrado Cañada de la Carpenteria á los veinte y ocho dias del mes de Octubre, de mil ochocientos treinta y cinco, yo el alcalde 2o constitucional, de la capital del territorio, notifique á los colindantes David Littlejohn y Juan Miguel Anzar, q. se hallan presentes el auto anterior y entendidos la firmaron conmigo y los de ass'a. No asistiendo el colindante C. Joaquin Gomez.

JUAN RAFAEL GONZALES.

[J] Como colindante:
JUAN MIGUEL ANZAR.
De ass'a:
JUAN MIGUEL ANZAR.
De ass'a:
INOCENTE GARCIA.

En el mismo rancho dia, mes y año yo el referido alcalde en cumplimento del auto de 20 del corriente presente los citados colindantes, para la medicion senalmiento de lindero y posecion judicial, nombre por medidores á los Ciudadanos Canuto Borondo y Antonio Gorman, quienes previá la aceptacion y juramento procederan al desempeño de su
[J] encargo. Asi yo el nominado alcalde lo decreté y firmé, con los testigos de ass'a.

JOSE RAFAEL GONZALEZ.

De ass'a:
JUAN MIGUEL ANZAR.
De ass'a:
INOCENTE GARCIA.

En la misma f'ha y en el espresado rancho, se les notifico su nombram'to á los C. C. Canuto Boronda y Antonio Germano, y dijeron q. aceptaban y aceptaron d'ho encargo, y juraron por Dios n'tro S'or y la señal de la Santa Cruz, de cumplio fiel y legalmente á todo su leal saver y entender sin fraude contra persona alg'a y no firmaron p'r q'l dijeron no saver lo hize, yo el presente juez con los de ass'a.

JOSE RAFAEL GONZALEZ.

De ass'a:
[J] JUAN MIGUEL ANZAR.
De ass'a:
INOCENTE GARCIA.

Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterey, de la Alta California, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

ANGEL RAMIREZ.

CASTRO.

In continente yo el referido alcalde mandé traer á mi presencia el cordel con qⁿ. han de medir las tierras y que los medidores lo midan de cincuenta vs., y en presencia de los colindantes, lo tomaron d'ho medidores y con una vara de medir usual Mejicana teniendola en la mano medieron cincuenta varas, para hacer la referida medida y la [M] firmo con los de ass'a. GONZALEZ.

De ass'a: JUAN MIGUEL ANZAR,
De ass'a: INOCENTE GARCIA.

En el mismo parage, dia, mes y año, siendo á los diez del dia, yo el primer alcalde mandé a los medidores nombrados se pongan para las medidas de tierras qⁿ. se han de hacer al C. Joaquin Soto en la casa de este. Se comenzo la medida desde este punto teniendose el cordel hasta la loma en que se hallan los linderos de David Littlejohn para el noroeste, dies y siete cordeles de á cincuenta varas desde esta parte al este cien cordeles la misma medida; para el sur igual cantidad y de aqui para la misma casa donde se empezo la medicion ciento sesenta cordeles de las referidas cincuenta varas. El terreno q. resulta medido es poco mas ó menos de medir sitio de ganado mayor. En cuyo constancia lo firmo con los de asistencia.

[F] JOSE RAFAEL GONZALEZ.

De ass'a: JUAN MIGUEL ANZAR,
De ass'a: INOCENTE GARCIA.

En el Rancho Cañada de la Carpenteria, á los veinte y ocho dias del mes de Octubre, de mil ochocientos treinta y cinco; yo el alcalde constitucional de segundo nominacion en la municipalidad de Monterey, des pues de practicadas las medidas del mencionado rancho conforme se demuestra en la antecedente midicion presentes las colindantes, David Littlejohn y Juan Miguel Anzar, que fueron conformes con todo lo mas que ver convino, mandé entrarse en posecion del rancho el C. Joaquin Soto, bajo las medidas citadas y formalidades acostumbrados en casos semijantes lo que verifico arraneando yerbas, y haciendo demostraciones como dueño del terreno que se le ha dado en posecion y propiedad cuya validacion lo autorizo y firmo, con los es presados colindantes y testigos de asistencia, no haciendolo el C.

Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterey, de la Alta California, para los años de mil ochocientas treinta y cuatro, y mil ochocientos treinta y cinco.

CASTRO. ANGEL RAMIREZ.

[R] JOSE JOAQUIN GOMEZ. Doy fée.

Entre renglones soto vale.
De ass'a: JUAN MIGUEL ANZAR.
Todo tachado no vale.
De ass'a: INOCENTE GARCIA,
JUAN MIGUEL ANZAR, Como colindante.
Monterey, Noviembre 7, de 1835.
[REC. CXVIII, D. T., 1856.]—2

Tomese razon en el libro de poseciones y devuelvase original este espediente al interesado para que le sirva de titulo. Asi yo el alcalde 2o. lo determiné, mandé, y firmó, con los de ass'a.

[J] JOSE RAFAEL GONZALEZ.

De ass'a: JUAN MADARIAZA,

De ass'a: INOCENTE GARCIA.

En la misma fecha se tomo razon en la fajá 1a. y 2 V'ta del libro respectivo, y se devolvio el espediente en fojas utiles en cumplimento del antecedente auto y para constancia lo anoto y rubrico.

Filed in office, Aug'st 13th, 1853.

GEO. FISHER, *Sec'y.*

Translation of Exhibit No. 1.

(A. F. Dep.)

Expediente of the citizen Joaquin Soto—Cañada de la Carpentaria.

José Castro, first member of the Excellent Territorial Deputation, and Superior Political Chief ad interim of Upper California.

[STAMP] Whereas Joaquin Soto, a Mexican by birth, has claimed for his personal benefit and that of his family the land known by the name of Cañada de la Carpenteria, the boundaries whereof are those of the citizen Daniel Sepcleon, and those others expressed in the map. After having previously taken the necessary action, and made the necessary investigations according to the requirements of law and regulations, in exercise of the powers vested in me, and in conformity with the provisions of the excellent territorial deputation, in decree of 27th August, this year, approving the grant of the land called Cañada de la Carpenteria, to the citizen Joaquin Soto, I have concluded in the name of the Mexican nation to vest in him the mentioned land, declaring it his property by the present letters-patent, on the following conditions:

1st. That he shall be subject to the conditions which shall be established in the regulations to be formed for the distribution of vacant lands; and that in the ownership, neither the grantee nor his heirs shall have the power to divide or alienate what hereby is adjudicated to them, nor to subject it to rent, entail, bond, mortgage, or any other encumbrance, though it be for a charitable purpose, nor to convey it into mortmain.

2d. He may fence it without prejudice to the crossings, roads, and servitudes; he will enjoy it freely and exclusively, appropriating it to the use and culture that best may suit him, but within a year, at most, he will build a house to be established.

3d. He will solicit of the respective judge to give him judicial possession in virtue of this document, by whom the boundaries will be marked, on the extremities of which, besides the landmarks, he will put some fruit trees, or wild ones of some utility.

4th. The land mentioned is one league from southwest to northeast, and six hundred varas from northeast to northwest, all which is equivalent to a little less than half a square league, as is shown in the plat attached to the espediente. The judge who shall give the possession will cause to be measured conformable to ordinance for making of boundaries, leaving the surplus that may result in favor of the nation for convenient purposes.

5th. If he shall violate these conditions, he will lose his right to the land, and it may be denounced by some other party. Consequently, I order that these presents serving him as a title deed, and being held as firm and valid, it be entered in the corresponding book and delivered to the interested party, for his security and other purposes.

Given in Monterey, on the 25th day of October, 1835.

JOSE CASTRO,
FRANCISCO DEL CASTILLO NEGRETE,
Secretary.

This document has been entered on folio 73, marked with the number 71, of the respective book kept in the secretary's office in my charge.

Fees $10. CASTILLO.

Monterey, September 25th, 1835.

S'or Constitucional Alcalde:

Joaquin Soto, a Mexican citizen, says: That having obtained a proper grant of the land known by the name of Cañada de la Carpenteria, he applies to you to be pleased to give him juridical possession, conformable to the provision in the 3d article in the decree of said land, issued to me under date 25th of February last, which I duly accompany, as well as the respective confirmation and release of these documents, for purposes to suit me.

Therefore, I pray you to be pleased to put me in the possession I solicit, whereby I shall receive favor and justice.

On request of the interested party who does not know how to sign.

JUAN MIGUEL ANZAR.

Monterey, October 20th, 1835.

MONTEREY, *October 20th*, 1835.

This having been presented and admitted, let there be proceeded to the possession solicited, to which effect I set aside the 29th day of this month. Let the bordering land-owners be summoned for said day, and measurers and computers previously appointed, who will be made acquainted therewith, for their acceptance and oath.

Thus did I, the citizen José Rafael Gonzalez, decree, sign, and order, with the attesting witnesses. The erasure of "mañana" is invalid, and substituted by "recente y record."

JOSE RAFAEL GONZALEZ,
JUAN MIGUEL ANZAR.

Ass: JOSE MARIA CASTANARES.

Under the same date, Joaquin Soto being present, he was notified of the foregoing decree, and having had an understanding thereof, he declared to have heard it, and that he admits of service. Not subscribing, because he said he did not know how, I did so with the assistants.

Fees $28.

M. GONZALEZ,
INOCENTE GARCIA.

Ass: JUAN MIGUEL ANZAR.

Under the same date, the summons ordered in the foregoing decree was issued for the citation of the bordering land-owners, and, in illustration thereof, I subjoined my flourish.

(Flourish.)

On the rancho called Cañada de la Carpenteria, on the 28th day of the month of October, 1835, I, the 2nd constitutional alcalde, in the capital of the territory, notified the bordering land-owners, David Littlejohn and Juan Miguel Anzar, who were present, of the foregoing decree, and having had an understanding thereof, they signed with me and the assistants; the bordering land-owner, Joaquin Gomez, not being present.

JOSE RAFAEL GONZALEZ.

Ass: JUAN MIGUEL ANZAR,
INOCENTE GARCIA.
JUAN MIGUEL ANZAR,
As Bordering Land-Owner.

On the same rancho, day, month and year, I, the said alcalde, in compliance with the decree of the 20th instant, the bordering land-owners summoned being present for the measuration, marking of boundaries, and judicial possession, I appointed as measurers the citizens Canuto Boranda and Antonio Gorman, who, after a previous acceptance and oath, will proceed to the discharge of their office. Thus did I, the appointed alcalde, decree and sign with the attesting witnesses.

JOSE RAFAEL GONZALEZ.

Ass: JUAN MIGUEL ANZAR,
INOCENTE GARCIA.

Under the same date, and on the same rancho, the citizens Canuto Boronda and Antonio German were notified of this appointment, and they declared that they accepted, and did accept said office; and they swore by God, our Lord, and the sign of the holy cross, to fulfil it faithfully and legally to the best of their knowledge and understanding, without fraud against any person; and they did not sign, because they said that they did not know how; I, the present judge, did so with the assistants.

JOSE RAFAEL GONZALEZ.

JUAN MIGUEL ANZAR,
INOCENTE GARCIA.

In continuance, I, the said alcalde, ordered the line wherewith the measurement of land is to be made to be brought to my presence, and that the measurers measure off fifty varas, and in presence of the bordering land-owners. The said measurers took it, and with a usual Mexican vara measure, holding it in the hand, they measured off fifty varas, so as to perform said measurement; and I signed with the assisting witnesses.

GONZALEZ.

Ass'a: JUAN MIGUEL ANZAR,
INOCENTE GARCIA.

In the same place, on the same day, month and year, at 10 o'clock in the morning, I, the said alcalde, ordered the appointed measurers to place themselves for the measurement of the land to be made for Joaquin Soto, in his house.

The measurement was commenced from this point, stretching the line to the hill on which are the boundaries of David Littlejohn, to the northwest seventeen cords of fifty varas; from this point to the east one hundred cords of the same measure; to the south an equal quantity, and from hence towards the same house, where the measurement was commenced, one hundred and sixty cords of the aforesaid fifty varas each. The land so measured is a little more or less than half a square league, (sitio de ganado mayor.) In witness whereof, I subscribe with the attesting witnesses.

JOSE RAFAEL GONZALEZ.

Ass: JUAN MIGUEL ANZAR,
INOCENTE GARCIA.

On the Rancho Cañada de la Carpenteria, on the 28th day of October, 1835, I, the constitutional alcalde of second nomination, in the municipality of Monterey, after having performed the measurement of said rancho, as is set forth in the foregoing survey, the bordering land-owners, David Littlejohn and Juan Miguel Anzar, being present, with all that was expedient to have in view, have ordered Joaquin Soto to enter into possession of the rancho, under the aforesaid measurements and the formalities customary in similar cases, which he carried into effect by pulling up grass, and making demonstrations as owner of the land of which possession and ownership has been given, the validity of which I authenticate, and I subscribe with the said bordering land-owners and the attesting witnesses, José Joaquin Gomez not being present, I attest it. The interlineation of "Soto" is val*ue*, the ob*tul*erated not valid.

(Flourish.)

Ass'a: JUAN MIGUEL ANZAR,
INOCENTE GARCIA.
JUAN MIGUEL ANZAR,
As Bordering Land-Owner.

MONTEREY, *Novembre 7th*, 1835.

Let it be entered in the book of possession, and return this espediente, in original, to the interested party, that it may serve him as a title-deed.

This did I, the 2nd alcalde, determine, order and sign, together with the attesting witnesses.

JOSE RAFAEL GONZALEZ.

Ass.: JUAN MADARAGA,
INOCENTE GARCIA.

Under the same date an entry was made hereof on folios 1st and 2d, reverse in the respective book, and the expediente was returned, consisting of full folios, in compliance with the foregoing decree, and in attestation thereof subjoined my flourish.

(Flourish.)

Filed in office.

[1 S. D. K.]

Jurisdiccion de Monterey—año de 1834.

Espediente sobre el parage nombrado Cañada de la Carpinteria solicitada por el C'no Joaquin Soto.

(4.)

[2 S. D. K.]

Sello Tercero, Dos Reales.

Habilitado provisionalmente por la administracion de la aduana maratima de Monterey, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

RAFAEL GONZALEZ.

FIGUEROA.

S'or Gefé Sup'r Politico:

Joaquin Soto, de la jurisdiccion de este puerto, ante V. S. en devida forma se presente y espone: que habiendo, solicitado de la superioridad de este gefatura politico el 16 de Julio, de 1831, como vera V. S. p'r el memorial adjunto de la misma f'ha la concesion de la Cañada de la Carpinteria y sus aguages; y corrido las tramites que creyo conveniente darle á esta solicitud d'ha gefatura politica; en efecto me fue concedida, mas havido lo sido provicionalmente. En tal virtud y siendo el parage d'ho el mismo q'l ocupo aun con mis labores vienes de campo; y casa acogiendome á las leyes de colonization y demas de la materia; ocurro á la recta justicia de V. S. á fui de que la uso de sus facultades se digne agracerme con la propiedad del mencionada parage cuyo terreno es el mismo que comprende el diseño que para el superior conocim'to de V. S. acompaño.

Por tanto, a V. S. S. suplico provea segun juzque de justiciá en lo que recibiré gracia, y juro lo necesario.

Monterey, Jun'o 28, de 1834.

[3 S. D. K.] JOAQUIN SOTO.

MONTEREY, *Julio* 3o, *de* 1834.

De conformidad con las leyes de la materia informe el ilus'tr ayuntamiento de este capital si el interesado en esta instancia obtene los requisitos prevenidos para ser atendido la su solicitud; si el terreno que pretende esta comprendido en las 20 leguaes limitrofes ó diez litorales, que espresa la ley de 18 de Agosto, de 1824; si es de regardio temporal ó abrevedero so pertenece á la propiedad de algun particular, corporacion, mision ó pueblo, con todo lo demas q. crea conducente á ilustrar la materia. El S'or Don José Figueroa, general de brigada, comandante general, inspector y gefé superior politico del territorio de la Alta California, asi lo mando, decreto, y firmo, y que doy fee.

JOSE FIGUEROA.
AUGUSTIN V. ZAMORANO, *S'rio.*

En session de este dia se acordó por el Y. ayuntamiento pase este espediente á la comicion de colonization.

Monterey, 9 de Julio, de 1834.

JOSE AGUILA, *V. Secretario.*

[4 S. D. K.] Sello Quarto, Una Quartillo.

Habilitado provicionalmente por la comisariá provicional de la Alta California, para el año de 1831.

VICTORIA. BANDINI.

S'or Gefe Sup'r Polit'o y Militar:

Joaquin Soto, vecino del rancho de la Natividad, de la pertenencia de los ciudadanos Manuel Butron y Nicholas Albisa, ante V. S. con el respeto debido conforme hay a lugar en derecho hace presente: que hallandose con el deseo de aumentar algunos vienes que tiene aunque en corta cantidad, en el dia pr. falta de sitio en donde ponerlos y estando valdio sin ningunos bienes, y sin pertenencer á ninga. individur el sitio conocido con el nombre de Cañada, y oyo de agua de la Carpinteria, en medio del chamisal que colinda con la mision de S. Juan, destante tres leguas, con los ranchos del Pagaia cuatro á cinco leguas, y con el de la Natividad otras tres leguas; ocurre á V. S. con el fue de que se digne pr. un efecto de su bondad y recto justificacion (tan conocida yo en estos havitantes) concederle dicho sitio en la intelligencia q. aunque pr. ahora no metara mas q. dichos cortos bienes ql. consisten en treinta cabesas de ganado bacuno, una manada de leguas con el mismo numo., cinco yuntas de buejes aperados con tregas arados y carretas y tener tambien, quinientos po. en metallico pa. el fomento de d'ho sitio adonde esper si la dignacion de V. S. se lo concedo poner huerta, y vina y siembras, como q. supr. al officio de gob'nador. No expondú, a V. S. nada en mi conducta pr. q. es bien conocida en esta jurisdiccion, y otras pr. tube el honor de serbia diez y siete años a la nacion y á mas ser hizo de uno de los primeros fundadores de este Territorio, y q. tubo catorce hijos varones y todas menos uno empleados en el servicio, y cinco mujeres q. toda lasaron en la provincia y yo tener tambien cinco

hijos pr. cuyo motivo pa. el sotenomiento de esta mi familia molesta la ocupada atencion de V. S. en la intelligencia que muy pronto se vera fomentado d'ho sitio si V. S. como llebo suplicado accede á mi peticion. Por tanto, a V. S. pido y suplico se digne morar con adhesion esta mi suplica se la hallase en justicia en ql. recibiré gracia y merced.

[5 S. D. K.]

Monterey, 16 de Julio, de 1831.

B. L. M. de V. S. su meñor subd. P.

JOAQUIN SOTO.

MONTEREY, *Oct.* 3, *de* 1831.

El R. P. ministro de la Mision de S'n Juan Bautista, se serva en informar acerco de lo que se pretende en esta solicitud.

VICTORIA.

[6 S. D. K.] MISSION DE SAN JUAN BAUTISTA, *Octubre* 4, *de* 1835.

No hallo inconveniente, pa. ql. el vecino, Joaquin Soto, deje de ocupar el sitio ql. aqui se dice, y el pretende con las circunstancias ql. me ha esceptuado por ser asi y por que conste lo firmo.

SEN. FELIPE ARROYO DE LA CUESTA.

MONTEREY, *Octubre* 12, *de* 1831.

Permito al interesado provicionalmente haya labores y plantir en el terreno á que se remite en esta instancia; prevenido de que no resulte en ningun caso perjuicio á la mision inmediatar y á las propiedades de particulares ql. tiene vecinos.

VICTORIA.

[*For map see original, page* 26.]

[8 S. D. K.] Sello Tercero, Dos Reales.

Habilitado provisionalmente por la administracion de la aduana maritima de Monterey, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

FIGUEROA. RAFAEL GONZALEZ.

Ilustre Ayuntam'to Constitucional:

La comision encargado de colonization y terrenos valdios á visto la solicitud que presenta el C. Joaquin Soto, relatibo á que se conceda en propiedad el parage nombrado la Cañada de la Carpinteria, en cumplimiento del sup'r decreto ql. acompaña, opina esta comision ql. el re-

ferido Soto es C. Mejicano pr. nacimiento en el ejercicio de sus derechos, ql. el terreno ql. pretende no esta comprendido en las vente leguas limitrofes, y se en las diez litorales, ql. espresa la ley de 18 de Agosto, de 1824. Es de temporal y abrevaderos y no pertenece á propiedad particular corporacion, mision, ni pueblo, por cuyo motibo la comision ofrese á la deliberacion de este T. Ayuntamiento las proposiciones siguientes:

1a. Puede adjudicarsele el terreno pretendido al C. Joaquin Soto, en razon de considerarse valdido.

JOSE ANTONIO ROMERO,
JOSE AGUILAR.

Monterey, 19 de Julio, de 1834.

[9 S. D. K.] S'r Gefé Superior Politico.

El Y. Ayuntamiento de esta capital, con el objeto de dar á V. S. informe que se sirre peder en su superior decreto de 3 de Julio, paso esta solicitud a la comision de colonizacion quien presente el dictamen que antecede y como su contenido es lo que en el particular debe informar. Esta corporacion acordio en session de hoy se devuelva el espediente á las superiores manos de V. S. reproduciendo aquel en todas sus partes.

MANUEL JIMENO CASARIN,
JOSE AGUILAR, *V. Secretario.*

Monterey, 6 de Agosto, de 1834.

[10 S. D. K.] Sello Tercero, Dos Reales.

Habilitado provisionalmente por la administracion de la aduana maritima de Monterey, de la Alta California, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

FIGUEROA. A. RAMIREZ,
(Lo tachado no vale.) CASTILLO.

MONTEREY, *Agosto* 19, *de* 1835.

Pare al alcalde de esta capital ante quien la parte de Joaquin Soto producira una informacion de tres testigos idoneos que seran interrogadas sobre los puntos seguientes: Primero, si el solicitante es ciudadano y tiene hijos, y si es de buena conducta; Segundo, si el terreno ql. pretende pertenece a la propiedad de algun particular mision, pueblo, ó corporacion, si es de regadio temporal ó abrevedero, y que estencion tendra tercero si tiene vienes de campo con qué pablailo ó posibilidad de adquirirlos. Evacuadas estas diligencias vuelva el espediente pa. su resolucion. El S. D. Josè Figueroa, general de brigada, comandante general, inspector y gefé superior politico del territorio de la Alta California, asi lo mandó, decreto y firmo, de lo que doy fée.

JOSE FIGUEROA.

[11 S. D. K.] FR'CO DEL CASTILLO NEGRETE, *Scrio.*

D'ros 4 po. MONTEREY, *Agosto* 20, *de* 1835.

Notifiquere al interesado en esto, presente los testigos q. se han de exsaminar sobre las puntas ql. comprehende el superior decrete de 19 de presente, ql. antecede y f'ho recivase la informacion, devalviendo en consecuencia este espediente al S. gefé sup'r politico, para que punta los efectos ql. haza lugar, asi yo el alcalde 1o. constitucional, lo decrete, mandé y firme, con los de ass'a.

[Z] DAVID E. SPENCE.

De ass'a: JOSE MARIA MALDONADO.
JOSE ARANA, as'a.

En la f'ha presente el C. Joaquin Soto, se le notifica el auto que antecede y entendido dijo lo oye y ql. presente á los C. C. Marcelino Escobar, Carlos Castro, y Felipe Vazquez, y no firmo pr. no saver.

[M] SPENCE.

De ass'a: JOSE MA. MALDONADO.
JOSE ARANA, de ass'a.

[12 S. D. K.] Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maratima de Monterey, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

FIGUEROA. RAFAEL GONZALES.

En el mismo dia presente el C. Marcelino Escobar, yo el alcalde le recivi juramento ql. hiza en forme de d'ro por el cual afrecio decir la verdad en lo ql., supiere y fuere preguntada y siendolo pr. su nombre, estado, edad, y patria y religion dizo; llamarse como queda d'ho que es casado, de treinta y ocho años, natural de Tepic, jurisdiccion del Estado de Jalisco, y C. A. R. Preguntado al tenor del interrogativo ql. se indica en el interior supr. decreto digo: A la primero, que el solicitante es C. Mejicano; que es casado, tiene hijos y tiene buena conducta, y responde. A lo seg'da, que el terreno ql. presente no save ql. pertenesca á ningun particular mision, pueblo, ó corporacion, y ql. solo save lo posee el solicitante hace alg'a tiempo y responde que es de temporal, y ql. su estencion sera de una legua de largo y media de ancho poco mas ó menos y responda. A la tercero, que tiene bienes de campo con ql. pablar lo q. lo dicho es la verdad á cargo del juram'to ql. tiene hecho en el ql. se afirmo y ratifico leida ql. le fue su declaracion, y lo firmo conmigo y los de ass'a.

[T] DAVID SPENCE,
MARCELINO ESCOBAR.

De ass'a: JOSE MARIA MALDONADO.
De ass'a: JOSE ARANA.

[13 S. D. K.] En la misma f'ha presente el C. Felipe Vasguez, se le vecino juramento ql. hizo en forma pr. el ciud'n ofrecio decir verdad en la ql. supiere y fuere preguntado y siendolo pr.

su nombre, estado, edad, patria y religion dijo, sellama como que da referido; que es casado de cincuenta y cuatro años de edad y C. A. R. Preguntado, vago el mismo interrogativo ql. lo fue el prim'o testigo digo: A lo 1a. Que el solicitante es C. Mejicano por nacimiento, ql. es casado; tiene hijos y es de buena conducta y responde. A lo 2a. Que el terreno que pretende le parece no pertenece á la propiedad de ningun particular mision, pueblo ó corporacion, y ql. se le ha conocida en posecion; que es de temporal y un poco de regadio y q. en estencion será de una legua de largo y media de ancho y responde. A lo 3a. Que tiene bienes de campo y posibilidad de adquirir los suficientes pa. poblarlo; que lo dicho es la verdad á cargo del juran'to que tiene hecho en el que se afirmo y ratifico leida ql. le fué su declaracion, y no firmo por no saber, lo hice yo con los de ass'a.

[T] DAVID SPENCE.

De ass'a: JOSE MARIA MALDONADO.
De ass'a: JOSE ARANA.

Incontinente, presente el C. Carlos Castro, yo el alcalde le recivi juramento en forma de dro. pr. el cual ofrecio decir verdad en lo que supiere y fuere preguntado y siendalo pr. su nombre, estado, edad,
[14 S. D. K.] patria y religion dijo llamase como dicha esta; casado, de sesenta años natural de la villa del fuerte en el estado de Señora y C. A. R. Preguntado, en los mismos terminas ql. los anterioses dijo: A lo 1a. Que el interesado es ciud'o Mejicano, pr. nacim'to que es casado, y tiene hijo y que su conducta es buena y responde. A lo 2a. Que el terreno ql. pretende no pertinece á la propiedad de ningun particular pueblo ó corporacion, y ql. save lo posee hace tiempo pr. el S. Victoria, que es de temporal y ql. su estencion será de una y media legua poco mas ó menos y responde. A lo 3a. Que tiene los suficientes viene de campo con ql. poblarlo y posibilidad pa. adquirir mas; ql. lo d'ho es la verdad á cargo del juramento, ql. tiene hecho en el ql. se afirmo y ratifico leida ql. le fue su declaracion, y la firmo conmigo y las de ass'a.

[T] DAV. SPENCE,
CARLOS CASTRO.

De ass'a: JOSE MARIA MALDONADO.
De ass'a: JOSE ARANA.

En la f'ha concluida la informacion ql. se pide se devuelve al S. gefe politico este espediente, en cumplimiento de lo mandado en el auto antecedente, y lo anoto pa. constancia y rubrico. [R]

[15 S. D. K.] Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterey, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

FIGUEROA. RAFAEL GOMEZ.

MONTEREY, *Agosto* 27, *de* 1835.

Vista la peticion con que da principio este espediente la instancia que en diez y seis de Julio de 831, presento al comandte. militar el informe de R. P. ministro de la mision de S. Juan Bta., el del Y. ayuntamiento de esta capital la espocicion de testigos con todo lo demas que se turo presente y ver convuir de conformidad con lo dispuesto pr. las leyes y reglamentos de la materia, se declara al C. Joaquin Soto, dueno en propiedad del parage conocido con el nombre de Cañada de la Carpenteria, quedando sugeta a las condiciones ql. se estipularen. Dirigase este espediente á la Ex'mo deputacion y aprovado ql. sea librese el despacha correspondiente; tomese razon de el en el libro respectivo y hagasele saber al interesado este decreto.

El. S. D. José Figueroa, gefe politico del territorio de la Alta California, asi lo mandó, decreto y firmo, de lo que doy fee.

FR'CO DEL CASTILLO NEGRETE, *Scrio.*

JOSE FIGUEROA.

[16 S. D. K.] Ex'mo Señor:

La comision de terrenos valdios impuesta del espediente que se mando practicar la peticion del ciudadano Joaquin Soto, pr. el terreno nombrado Cañada de la Carpenteria, no encontrando en el objeccion alguna que hacer sienda en todo conforme á la ley de Ag'to de 1824, como al arto. 5 del reglamontos de 21 de Nov'bre de 1828, ofrese á la deliberacion de V. E. la seguiente proposicion:

Se a prueba la concesion echa al Ciudadano Joaquin Soto del terreno nombrado Cañada de la Carpenteria, concedido en 27 de Agosto, de 1835.

Monterey, Sept'bre, de 1835.

SALVIO LARO.

MONTEREY, *Sept'bre* 5, *de* 1835.

En session de este dia aprovo la ex'mo deputation la proposicion del dictamen antecedente determinacion devuelva el espediente al s'or gefe politico por los fines consiguientes.

CASTRO.

[17 S. D. K.] Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de Monterey, de la Alta California, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

ANGEL RAMIREZ.

CASTRO.

MONTEREY, *Septembre* 18, *de* 1835.

En vista de la aprovacion otorgada el dia cinco del corriente por la E. deputation territorial librese el documento prevenido especificando en el la aprovacion de la E. deputacion, el S. D. José Castro, primer

vocal de la E. deputation territorial, y gefe politico interino del territorio de la Alta California, asi lo mando, decreto y firmo, de lo que doy fee.

FRAN'CO DEL CASTILLO NEGRETE, *S'rio.*

JOSE CASTRO.

Queda tomada razon á fojas 73.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, Surveyor General of the United States for the State of California, and as such now having in my office, and under my custody, a portion of the archives of the former Spanish and Mexican territory or department of Upper California, do hereby certify that the seventeen preceding and hereunto annexed pages of tracing paper, numbered from one to seventeen inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copies of certain documents on file and forming part of the said archives.

In testimony whereof, I have hereunto signed my name officially, and affixed my private seal, (not having a seal of office,) at the city of San Francisco, Cal., the 26th day of January, 1853.

SAM'L D. KING,
Surveyor Gen'l, Cal.

Filed in office, Aug'st 31, 1853.

GEO. FISHER, *Sec'y.*

Translation—Exhibit No. 2.

Jurisdiccion of Monterey—year 1834.

Record of proceedings on the location called Cañada de la Carpenteria, solicited by the Citizen Joaquin Soto.

(4.)

Sir Political Chief:

Joaquin Soto, of the jurisdiction of this port, presents himself before you in due form, and shows, that having solicited of this superior political chief, under the 16th of July, 1831, as you will see by the adjoined memorial of the same date, the grant of the Cañada de la Carpenteria and its currents, and said political chief having taken the proceedings that he believed convenient to give this solicitation in effect (of which) it was granted me; but it having been provisionally in such virtue, and the said location being the same I still occupy, with my husbanding and stock, and houses, referring myself to the laws of colonization and others upon the subject, I apply myself to your high justice, in order that in exercise of your powers you will please to grant me in ownership the mentioned location, which land is the same, and is comprised in the sketch I hereby annex for your superior information.

Therefore I pray you to provide according to justice, whereby I shall receive a favor, and I swear to all necessary.

Monterey, June 28th, 1834.

(Signed) JOAQUIN SOTO.

(In the margin.)

In conformity to the laws on the subject, let the illustrious ayuntamiento of this capital report whether the interested party in this instance has the necessary requisites, in order that his solicitation can be attended to; whether the land he solicits is comprised in the 20 limitory or ten littoral leagues mentioned in the law of 18th of August, 1824; whether it is irrigated seasonably or by any receptacle of water; whether it belongs to any one particular corporation, mission, or pueblo, with what else you may think conducive to illustrate the matter.

The Sr. Dn. José Figueroa, brigadier general, commandante general, inspector, and superior political chief of the Territory of Upper California, thus did order and sign, of which I give testimony.

JOSE FIGUEROA.

AUGUSTIN ZAMORANO, *Secretary.*

In this day's session it was agreed by the illustrious ayuntamiento to transmit this espediente to the commission on colonization.

Monterey, 9th July, 1834.

(Signed) JOSE ACQUILLO.

Sir Superior Political and Military Chief:

Joaquin Soto, a resident of the rancho de la Natividad, owned by the Citizen Manuel Bubon and Nicholas Alviso, represent to you, with due respect and conformably to law, that being desirous to augment some stock he has, though in a small number at present, because in want of a "sitio" where to put it, and the "sitio" known by the name of Cañada de la Carpenteria, between the Chamisal, which borders on the mission de San Juan, distant three leagues, on the ranchos del Pagan, distant three leagues, on the rancho de la Natividad, other three leagues, being vacant without any stock, and without belonging to any individual, appears to you with the object, that you will please, by and out of your goodness and high justification, so well known already amongst these inhabitants, to grant him said sitio, in the understanding that though as yet he cannot put in more than the said small stock, consisting of thirty heads of cattle, a flock of mares of the same number, five yokes of oxen carled with plough, yokes and carled, and having also five hundred dollars in metal for the support of said sitio, where he expects, if you will condescend to grant it to him, to put an orchard, vineyard, and cornfields, as it becomes the profession of a farmer. I shall not represent to you anything of my conduct, because it is well known in this jurisdiction and elsewhere; I had the honor to serve the nation seventeen years, and besides to be a son of one of the first settlers of the Territory, and who had fourteen male offspring, and all but one employed in the service, and five females, who all married

in the province; and I also have five sons, by reason of which, and for the sustenance of this my family, I trouble you in occupying your attention with assertion that said sitio very soon will be seen improved, if you will accede to my petition as prayed for: Therefore I ask and pray you to be pleased to look with adhesion to this my supplication if you shall find it just, whereby I shall receive favor.

I kiss your hands, and am your humble servant,

JOAQUIN SOTO.

Monterey, 16th July, 1831.

MONTEREY, *October 3d*, 1831.

The reverend minister of the mission of San Juan Bautista will please to report about what is set forth in this solicitation.

VICTORIA.

MISSION OF SAN JUAN BAUTISTA, *Ootober 4th*, 1831.

I do not find it inconvenient that the resident, Joaquin Soto, can occupy the sitio here named, and he solicits it under the circumstances that he has explained to be the facts, and to attest it I sign.

(Signed) S'R FELIPE ARROYO DE LA CUESTA.

MONTEREY, *Octo. 12th*, 1831.

I permit the interested party provisionally to make works and plantations on the land mentioned in this instance, provided, that in no case there results any prejudice to the immediate mission and particular properties that the residents have.

(Signed) VICTORIA.

Illustrious Constitutional Ayuntamiento:

The commission charged with the colonization and vacant lands, on the inspection of the solicitation which the Citizen Joaquin Soto presents, relative to be granted in ownership the location called the Cañada de la Carpinteria, in compliance with the annexed superior decree, this commission is of opinion that the said Soto is a Mexican citizen by birth, in the exercise of his rights; that the land solicited is not comprised in the twenty limiting leagues, nor in the ten littoral leagues mentioned in the law of 18th August, 1824; is irrigated seasonably and by water receptacles, and not belonging to the property of any one in particular, corporation, mission, or pueblo, by reason of which the commission submits to the deliberation of this illustrious ayuntam'to the following propositions:

1st. The land solicited may be granted to the Citizen Joaquin Soto by reason of being considered vacant.

Monterey, 19th July, 1834.

(Signed) JOSE ANTONIO ROMERO,
JOSE AGUILAR.

S'or Political Superior Chief: The ayuntamiento of this capital, with the object to give you the report which you have been pleased to

ask in your supreme decree of the 3d July, transmitted this solicitation to the commission on colonization, which presented the foregoing opinion; and as its contents is what, in this particular, ought to be reported, this corporation agreed, in two days' session, to transmit the expediente in your superior hands, reproducing in all its parts.

Monterey, 6th August, 1834.

MAN'L JIMENO CASSARIN.
JOSE AGUILAR, *Secretary*.

MONTEREY, *Aug't 19th*, 1835.

Let it pass to the alcalde of this capital, before whom the party, Joaquin Soto, will produce an information of three resident witnesses, who will be interrogated upon the following points: First, Whether the applicant is a Mexican citizen by birth; whether he is married, and has sons, and whether he is of a good character. Second, Whether the lands he solicits belongs to the property of any one in particular, mission, pueblo or corporation; whether it is irrigated seasonably or by any receptacle of water, and what extension it will have. Third, Whether he has stock with which to cover it, or possibility of acquiring it. This being completed, return this espediente for its resolution.

Don José Figueroa, brigadier general, commandante general, inspector and superior political chief of the Territory of Alta California, thus did order and sign, of which testimony.

(Signed) JOSE FIGUEROA.
J. DEL CASTILLO NEGRETE,
Secretary.

MONTEREY, *August 20th*, 1835.

Let the interested party in this instance be notified, that he present the witnesses that are to be examined upon the points contained in the foregoing superior decree of the 19th instant, and accomplished let the information be received, returning, in consequence, this espediente to the superior political chief, that it may serve the purposes to take place. Thus did I, the first political alcalde, decree, order, and sign, with the assisting witnesses.

JOSE ANZAR.

Assistants:
JOSE MARIA MALDONADO.

Under the same date, the Citizen Joaquin Soto was notified of the foregoing decree, and having had an understanding of it, he said he had heard it, and that he presents the citizens Marcelino Escobar, Carlos Castro and Felipe Vasques, not signing because not knowing how.

(Signed) SPENCE.

Assistants:
JOSE MARIA MALDONADO,
JOSE ANZAR.

On the same day, the citizen Marcelino Escobar being present, I, the alcalde, administered oath to him, which he made in due form, whereby he promised to tell the truth in all that he might know and be interrogated about; and being asked about his name, condition, age, native land, and religion, he says that he calls himself as stated, and is married, 38 years old, native of Tepic, jurisdiction of the State of Jalisco, and a Catholic of the Roman Apostolic church. Questioned about the tenor of the interrogations indicated in the foregoing superior decree, he said: To the first, that the supplicant is a Mexican citizen, that he is married, has sons, and has a good conduct. And answered to the second, that the land solicited he is not aware of belonging to any one in particular, mission, puebla, or corporation, and that he only knows that the supplicant possesses it since sometime; and he answered that it is seasonably irrigated, and that its extension will be one league and a half in breadth, little more or less. And he answered to the third, that he had stock with which to cover it, and that this statement is the truth, chargeable to the oath he has made, in which he was affirmed, and he ratified his declaration, it being read to him, and he signed it with me and the assisting witnesses.

(Signed) MARCELINO ESCOBAR.

Ass'a: JOSE MARIA MALDONADO,
JOSE ARANA.

Under the same date, the citizen Felipe Vasquez being present was sworn, in strength of which formal oath he promised to tell the truth, and what he might know and be questioned about; and being interrogated about the name, condition, age, native land, and religion, he said he calls himself as stated; that he is married, fifty years old, and a Catholic of the Roman Apostolic church. Being questioned under the same interrogatories as the first witness, he said: To the first, that the supplicant is a Mexican citizen by birth; that he is married, has sons, and is of a good conduct. And he answered to the second, that the land he solicits seems to him not to belong to the property of any one particularly, mission, pueblo, or corporation, and that he has known him to be in possession thereof; that it is irrigated seasonably, and that it will be of an extent of one league in length, and one half in breadth. And he answered to the third, that he has stock and possibility to acquire it sufficiently to cover it; that what he has said is true in strength of the oath he has made, in which he was affirmed; and he ratified his declaration after being read to him, not signing because did not know how. I did so with the assistants.

(Signed) JOSE MARIA MALDONADO.

JOSE ARANA.

In continuance, the citizen Carlos Castro being present, I, the alcalde, administered oath in lawful form, in strength of which he promised to tell the truth in what he might know and be questioned; and being interrogated about his name, condition, age, native land,

and religion, he says he calls himself as stated, is married, sixty years old, a native of the village del Tuate, in the State of Sonora, and a Catholic of the Roman Apostolic church. Being questioned in the same manner as the foregoing ones, he said: To the first, that the interested party is a Mexican citizen by birth; that he is married and has sons, and that his conduct is good. And he answered to the second, that the land he solicits does not belong to the property of any one particularly, pueblo, or corporacion, and that he knows that he possesses it since the time of S. Victoria; that it is irrigated seasonably, and that its extent will be one and a half leagues, little more or less. And he answered to the third, that he has sufficient stock with which to cover it, and possibility to acquire more; that this statement is true, in strength of the oath he has made, in which he was affirmed, and he ratified his declaration, it being read to him, and he signed it with me and the assistants.

(Signed) CARLOS CASTRO.

Ass'ts: JOSE MARIA MALDONADO,
JOSE ARANA.

On the same day, the information asked for being concluded, this espediente was transmitted to the superior political chief, in compliance with the order in the foregoing degree, and in attestation I subjoin my flourish.

(Flourish.)

MONTEREY, *Aug't 27th*, 1835.

Having seen the petition with which this espediente commenced, the instance that the military commandante presented on the 16th of July, 1831, the report of the reverend father minister of the mission of San Juan Bautiste, that of the ayuntamiento of this capital, the deposition of witnesses, with what else presents itself as was to the purpose, in conformity with the requirements of law and regulations upon the subject, the citizen Joaquin Soto is declared owner, in his own right, of the location known as the name of Cañada de la Carpenteria, being subject to the condition that may be stipulated; let the expediente be directed to the excellent deputation, and being approved, issue the corresponding documents; let it be entered in the respective book, and let this decree be known to the interested party.

Don José Figueroa, political chief of the Territory of Upper California. Thus did I decree and sign, of which I give testimony.

(Signed) JOSE FIGUEROA,
JOSE DEL CASTILLO NEGRETE,
Secretary.

Excellent Sir: The commission on vacant lands, advised of the expediente which has been ordered to be constituted on the petition of the citizen Joaquin Soto, for the land called Cañada de la Carpenteria, not finding therein any objection to make, being in conformity

with the law of 18th August, 1824, as well as with the 5th article of the regulations of 20th of November, 1828, submits to your excellency's deliberation the following propositions:

It approves of the concession made to the citizen Joaquin Soto, of the land called Cañada de la Carpenteria, granted on the 27th August, 1835.

(Signed) SALVIO TAMO.

Monterey, 2nd September, 1835.

MONTEREY, *Sept. 5th*, 1835.

In to-day's session the excellent deputation approved of the proposition in the foregoing report, determining to return the expediente to the political chief for convenient purposes.

MONTEREY, *Sept.* 18, 1835.

Having seen the approbation agreed on by the excellent territorial deputation on the 5th inst., let the necessary document be issued, specifying in it the approbation of the excellent territorial deputation.

Don Castro, first member of *of* the excellent deputation, and political chief ad interim of the Territory of Upper California, thus did order, decree and sign, of which I give testimony.

(Signed) JOSE CASTRO,
IGNACIO DEL CASTILLO NEGRETE,
Secretary.

Entered in folio 73.
Filed in office, Aug't 31st, 1853. GEO. FISHER, *Sec'y*.

Motion.

U. S. LAND COMMISSION.

No. 650.—*Joaquin Soto, Claimant.*

It is moved that this case be revived in the names of the heirs of said Joaquin Soto, deceased, to wit: Milesio Soto, Antonio Soto, Barbara Soto, Dona Soto, Adelaida Soto, Maria Soto, Maria Ygnacio Soto, Salvedora Soto, Pilar Soto, Vicente Soto, Joaquin Soto, and an infant not named Soto, and Juana Butron Soto, the wife of the original claimant, and Joaquin Soto, deceased.

E. O. CROSBY,
Of Counsel for Claimants.

Filed in office, May 9, 1854.

GEO. FISHER, *Sec'y*.

Opinion.

HEIRS OF JOAQUIN SOTO, deceased,
vs.
THE UNITED STATES.

For the place called Cañada de la Carpinteria, en Monterey county, containing one-half of a square league of land.

The petition in this case was filed by Joaquin Soto, but he having deceased, the case was revived in the name of his widow and chil-

dren, who claim as his legal representatives. The death of said Soto and the relation of the present claimants to him are proved. The claim is based on a grant which is filed and proved in the case, made by the acting governor, José Castro, under date of October 25, 1835. The approval of the territorial department was given before the issuing of the grant.

The testimony proves that said grantee built an adobe house on the premises immediately after the making of the grant, moved his family there, and lived there until his death, and that his family has continued there to the present time. The premises have constantly been used for cultivation and stock-raising.

On the 28th of October, 1835, juridical possession was given under the grant, and a report of the official demarcation before us.

A decree of confirmation will be entered. Confirmed.

Filed in office, Aug't 15, 1854.

GEO. FISHER, *Sec'y.*

Decree.

HEIRS OF JOAQUIN SOTO, deceased, vs. THE UNITED STATES. } No. 650.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said Juana Butron Soto, and the other heirs at law of said Joaquin Soto, deceased, is valid; and it is therefore decreed that the same be confirmed to them.

The land of which confirmation is hereby made is that known by the name of Cañada de la Carpenteria, situated in Monterey county, and now in the occupation of the claimants, and is bounded and described as follows, to wit: Commencing at the house occupied by said Joaquin Soto, in 1835; thence running to the hill at the boundaries of David Littlejohn, to the northwest, eight hundred and fifty varas; thence to the east five thousand varas; thence to the south five thousand varas; thence to the same house at the place of beginning, eight thousand varas, including said house within said limits, containing one-half a square league, be the same more or less; reference therefor to be had to the testimonial of judicial possession on file in this case.

ALPHEUS FELCH,
R. AUG'T THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office, Aug't 15, 1854.

GEO. FISHER, *Sec'y.*

And it appearing to the satisfaction of this board that the land hereby adjudicated is situated in the southern district of California, it is hereby ordered that two transcripts of the proceedings, and the decision in this case, and of the papers and evidence upon which the same are founded,

be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United district court for the southern judicial district of California, and the other be transmitted to the Attorney General of the United States.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing forty-four pages, numbered from 1 to 44, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 650, on the docket of the said board, wherein Joaquin Soto is claimant against the United States, for the place known by the name of Cañada de la Carpenteria.

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, [SEAL.] this thirty-first day of January, A. D. 1855, and of the independence of the United States of America the seventy-ninth.

GEO. FISHER, *Sec'y.*

UNITED STATES DISTRICT COURT,
Southern District of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, do hereby certify that the foregoing 45 pages, numbered from 1 to 45, both inclusive, contain a full, true and correct copy of transcript No. 650, filed in this office, wherein Joaquin Soto is appellee and the United States appellant, for "Cañada de la Carpenteria."

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Los Angeles, California, this [SEAL.] nineteenth day of January, A. D. 1856, and of the independence of the United States of America the

C. E. CARR, *Cl'k.*

DISTRICT COURT OF THE UNITED STATES,
Southern District of California.

CLERK'S OFFICE, LOS ANGELES COUNTY.

JOAQUIN SOTO, appellee, ads. THE UNITED STATES, appellants. } Docket No. 198. Transcript No. 650.

Be it remembered, that on the fifth day of February, A. D. 1855, in the district court of the United States for the southern district of

California, the following proceedings were had, to wit: a duly certified transcript of the proceedings and decision of the commission to ascertain and settle the private land claims in the State of California, when sitting as a board, in the case wherein Joaquin Soto is the claimant against the United States for the place named Cañada de la Carpenteria, was received, and filed, and docketed with No. 198, and is as follows, to wit:

(Vide page 1.)

Los Angeles, *April 25th*, 1855.

In case No. 198, Joaquin Soto, for "Cañada de la Carpenteria, the appeal notice from the U. S. Attorney General was filed.

(Vide page 3.)

Los Angeles, *May 11th*, 1855.

In same case the appeal notice from the U. S. Attorney General was filed.

Los Angeles, *Oct. 11th*, 1855.

In same case the petition of the United States for review was filed.

(Vide page 5.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

Los Angeles, *Oct. 11th*, 1855.

In same case the answer of appellee was filed.

(Vide page 7.)

Los Angeles, *Oct. 12th*, 1855.

In same case the opinion of the court was delivered, confirming the claim, and the following decree entered.

(Vide page 9.)

Los Angeles, *Oct. 18th*, 1855.

In same case, on motion of P. Ord, U. S. district attorney, the following order of appeal was filed.

(Vide page 10.)

Notice of Appeal.

Office of the Attorney General of the United States,
Washington, *7th March*, 1855.

Joaquin Soto
vs. } 650.
The United States.

You will please take notice that in the above case, decided by the commissioners to ascertain and settle the private land claims in the State of California, in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th of Decem-

ber, 1854, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

C. CUSHING,
Attorney General.

Filed in office, April 21st, 1855.

C. E. CARR, *Cl'k.*

Petition of U. S. for Review.

In the United States District Court for the southern district of California.

JOAQUIN SOTO, (Heirs of) ads.
THE UNITED STATES. } No. 198.—Transcript No. 650.

The petition of Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, respectfully represents: That, on or about the 28th day of February, A. D. 1853, Joaquin Soto petitioned the United States land commission for the State of California, claiming about one square league of land called "Cañada de la Carpenteria," situate in the county of Monterey, State of California. That on or about the 9th day of May, 1854, the heirs of said Joaquin Soto were made parties claimants in this cause, by said commissioners, on the suggestion of the death of said Joaquin Soto. That on or about the 15th day of August, A. D. 1854, the said commissioners confirmed the said claim. That thereafter, to wit, on or about the 30th day of December, A. D. 1854, the Hon. Caleb Cushing, Attorney General of the United States, received a duly certified transcript of the proceedings, with the evidence and decision of the said commissioners in said cause. That thereafter, to wit, on or about the 21st day of April, A. D. 1855, the said Attorney General of the United States filed, or caused to be filed, with the clerk of this hon'le court a notice of the intention of the United States to prosecute the appeal in said cause. That on or about the 5th day of February, A. D. 1855, the said commissioners filed, or caused to be filed, in the office of the clerk of this hon'le court a duly certified transcript of their proceedings, with the evidence and decision in said cause. That the land claimed lies in the southern district of California and within the jurisdiction of this hon'le court.

And the petitioner denies, generally, that the said claimant has any valid right or title to the said land. Wherefore the said petitioner prays that the said heirs of Joaquin Soto may be served with a copy of this petition, and that after due proceedings had, the said decision of the said commissioners may be reviewed, reversed and set aside, and that this hon'le court will decree the said claim or title to be invalid, with costs and general relief.

P. ORD,
Attorney of the U. S. for the south'n district of California.

Filed in office, Oct. 11th, 1855.

C. E. CARR, *Cl'k.*
By J. W. ROSS, *Dep'y.*

Answer.

United States District Court for the southern district of California.

HEIRS OF JOAQUIN SOTO ads. THE UNITED STATES. } No. 198.

These respondents, for answer to the petition filed in this cause, answer and say: It is true that the land mentioned in said petition and in said transcript of the proceedings before the said Board of Commissioners, lies within said southern district of California and within the jurisdiction of this court.

But these respondents deny that their title to the said lands is invalid, and avow that their title is valid, and pray that the decision of the said board be affirmed, and their title be decreed to be valid.

E. O. CROSBY,
Of Counsel for Respondents.

Filed, Oct. 11th, 1855.

C. E. CARR, *Cl'k.*
By J. W. ROSS, *Dep'y.*

Decree.

UNITED STATES DISTRICT COURT,
Southern district of California.

THE UNITED STATES, appellants, vs. MILESIO SOTO, ANTONIO SOTO, BARBARA SOTO, MARIA SOTO, ADELAIDA SOTO, DENO SOTO, MARIA YGNACIO SOTO, SALVADO SOTO, PILAR SOTO, BICENTE SOTO, JOAQUIN SOTO, and an infant not named, SOTO, and JUANA BUTRON SOTO. } No. 198.—Cañada de la Carpenteria.

This cause coming on to be heard, at a special term of this court, on an appeal from the final decision of the commissioners to ascertain and settle private land claims in the State of California, under the act of Congress approved March 3d, 1851, upon the transcript of the decision and proceedings, and the papers and evidence on which said decision was founded, and it appearing that said transcript has been duly filed according to law, and counsel for the respective parties having been heard: it is ordered, adjudged, and decreed, that the decision of the commissioners be affirmed; and that the claim of said Milesio Soto, Antonio Soto, Barbara Soto, Deno Soto, Adelaida Soto, Maria Soto, Maria Ygnacio Soto, Salvadora Soto, Pilar Soto, Vicente Soto, Joaquin Soto, and an infant not named, Soto, and Juana Butron Soto, appellees to the land described in the grant in this case, is a good and valid claim, and the same is hereby confirmed to the extent of one-half

of a square league: Provided, that the said quantity of one-half of a square league be contained within the limits called for in said grant and map to which it refers; but if there be less than said named quantity, then the claim of the said appellees to said less quantity is hereby confirmed.

ISAAC S. K. OGIER,
U. S. district judge for the southern district of California.

Order for Appeal.

In the United States District Court for the southern district of California.—Special term, Sept. 1855.—Los Angeles.

JOAQUIN SOTO, HEIRS et al., appellees, ads. } No. 198.
THE UNITED STATES, appellants. } Transcript No. 650.

On motion of P. Ord, attorney of the United States for the southern district of California, it is ordered by the court, that an appeal be granted the United States to the Supreme Court of the United States, from the judgment of this court against the United States in the above entitled cause, rendered on or about the 12th day of October, A. D. 1855.

P. ORD, *U. S. District Attorney*.

Filed October 18th, 1855.

C. E. CARR, *Clerk*.
By J. W. ROSS, *Dep*.

UNITED STATES DISTRICT COURT,
Southern district of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, do hereby certify the foregoing ten pages, numbered 1 to 10, both inclusive, to contain a true, correct and full transcript of the record of the proceedings, and of the decision of the said court, of the documentary evidence, and of testimony of witnesses upon which the same was founded, on file in this office, in case No. 198 on the docket of the said court, wherein Joaquin Soto is appellee and the United States are appellants, for "Cañada de la Carpinteria."

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at Los Angeles, California, this nineteenth day of January, A. D. 1856, and of the independence of the United States of America the eightieth.
[SEAL.]
C. E. CARR, *Clerk*.